REMARKS

Claims 21-53 remain pending.

As an initial matter, Applicant would like to thank Examiner Jones for the courtesy extended to Applicant's representative, David Weiss, during the course of the telephonic interview.

Discussion of Independent Claims 21, 44, and 49

The combination of Chambers et al. (U.S. Patent Application Publication 2003/0236581), Suzuki et al. (U.S. Patent 6,245,982), and Zimmerman (U.S. Patent 6,411,289) fails to teach or suggest multiple features of claim 21, as well as the combination of features recited in claim 21.

As discussed in the interview, the combination of Chambers, Suzuki, and Zimmerman, fails to disclose or suggest:

> 21. A method of providing synchronization of a video presentation with an audio presentation, comprising:
> receiving over a data network digital samples of recorded audio;
> providing for display on a user editing system an interactive user interface, the interactive user interface including:
> an audio waveform corresponding to the digital samples of recorded audio over time, wherein the audio waveform is displayed in conjunction with a time axis, including textual displays of time values at a plurality of points along the time axis;
> a cue insertion interface that enables a user to insert a cue at one or more locations with respect to the audio waveform,
> wherein the cue is configured to cause a modification with respect to the abstract visual presentation in synchronization with the audio presentation when the audio presentation is audibly played back, with the abstract visual presentation, via a playback device associated with a viewer of the abstract visual presentation, wherein the viewer playback device is separate from the editing system;
> receiving a first signal from a user input device to designate a cue at a first location with respect to the audio waveform; and
> storing the designated cue in computer readable memory.

Therefore, for at least the foregoing reasons, amended claim 21 is patentably distinct over the combination of Chambers, Suzuki, and Zimmerman.

In particular, Chambers is directed to a method for recording live performances (Chambers, title). Chambers further discloses, at [0039]-[0039] and Fig. 3:

[0034] The recording software used to process, store, and burn digital audio signals onto the master disc will now be described in greater detail. Before describing the flow of the main software program, it is helpful to first become familiar with the computer screen display that is seen by the recording engineer when such software is running, as indicated in accompanying FIGS. 3, 4 and 5. These figures illustrate the appearance displayed on a user's computer screen when using the main program of the present invention to record the master digital image. ...

[0037] Referring to FIGS. 3-5, rectangular display area 104 in the upper right portion of the computer screen display is a scrolling graphical display that shows the combined amplitude, or intensity, of the audio signals for both the left and right stereo channels that are available for recording. The most recent sound signal strength is displayed at the very right side of display area 104, and that information scrolls toward the left side of display are 104 as new audio data becomes available. ... A portion of the computer's random access memory is set aside to act as a buffer to store approximately thirty seconds worth of digital audio signals before they are available for recording onto the computer's hard drive. <u>This allows the recording engineer a thirty second preview of such sounds before they are actually recorded</u>. (Emphasis added)

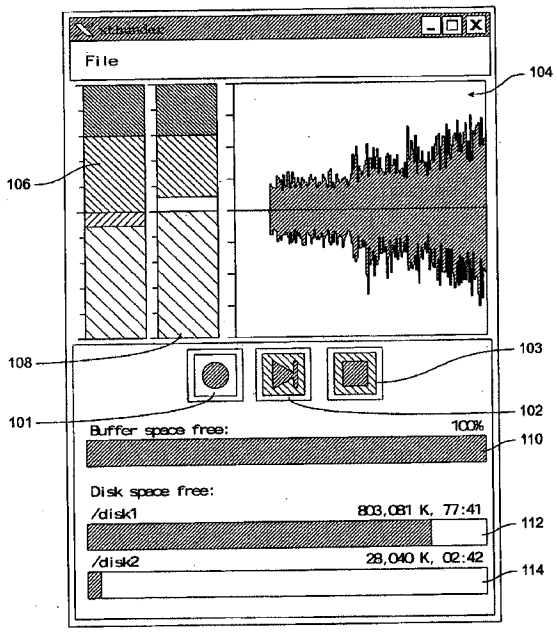

FIG. 3

Thus, the display of Chambers is only used to display a live performance, which will then be recorded by the user. Further, the display 104 of Chambers is a scrolling display which only displays the last 30 seconds of the live performance. Clearly, such scrolling display of the last 30 seconds of an ongoing live performance, is not suitable for the insertion of cues.

Because Chambers is directed to recording a live performance using a local recording system, and because Chambers only displays 30 seconds of the live performance so that the recording engineer can preview the sounds before they are recorded, Chambers does not disclose, and has no need of the features of:

> *receiving over a data network digital samples of recorded audio;*
> *providing for display on a user editing system an interactive user interface, the interactive user interface including:*
> *an audio waveform corresponding to the digital samples of recorded audio over time, wherein the audio waveform is displayed in conjunction with a time axis, including textual displays of time values at a plurality of points along the time axis;*

In addition, as noted above, Chambers is directed to a method for recording live performances. Suzuki, by contrast, is directed to a performance image information creating apparatus and method and a corresponding performance image information reproducing apparatus and method, capable of displaying a manner of playing a piece of music while playing the piece of music. With respect to the triangles in area 63 of FIG. 6 (which the Office Action refers to as "arrows"), and the rectangles in area 63 of FIG. 6 (which the Office Action refers to as "bars"), Suzuki discloses:

> *reference numeral 63 denotes the time schedule of a parts that is a drummer in this case, and 64 and 65 denote the motion waveform of each parts relating to the musical instrument. Each motion waveform is displayed in the form of a rectangle, and, if it contains sounding point markers, the position of each marker is denoted by a triangle that points to the right. In the example of FIG. 6, the parts 63 includes a stick, for example, and the positions of the sounding point markers are displayed. ...*
>
> *The playback rate of a motion waveform of each parts can be changed by selecting a rectangle representing the motion waveform of the parts, and changing the length of the rectangle. For example, the playback rate may be reduced by increasing the length. The playback rate may also be automatically changed when the tempo of the piece of music in question is changed.*

Thus, the arrows referred to by the Office Action are sounding point markers, while the bars referred to by the Office Action are used to control the playback tempo. Because the rectangular display area 104 of FIG. 3 of Chambers is a scrolling graphical display that factually shows the combined <u>amplitude of the live audio signals available for recording</u>, one could not use the sounding point markers or tempo control user

interfaces of Suzuki to modify the display area 104 of FIG. 3 of Chambers, as one could not control the tempo or sounding points of the live recording of Chambers via the display area 104 (which merely displays the amplitude of live audio signals). Thus, Chambers and Suzuki cannot be combined as proposed by the Office Action.

For at least the foregoing reasons, Applicant respectfully traverses the rejection of Claim 21 and the claims that depend therefrom.

The combination of Chambers, Suzuki, and Zimmerman, fail to disclose or suggest the features of Claims 44 and 49 as recited below.

44. A tangible, non-transitory computer-readable medium having computer-executable instructions stored thereon that, if executed by a computing device, cause the computing device to perform operations comprising:

receiving over a data network digital samples of recorded audio;

providing for display on a user editing system an interactive user interface, the interactive user interface including:

an audio waveform corresponding to the digital samples of recorded audio over time, wherein the audio waveform is displayed in conjunction with a time axis, including textual displays of time values at a plurality of points along the time axis;

a cue insertion interface that enables a user to insert a cue at one or more locations with respect to the audio waveform,

wherein the cue is configured to cause a modification with respect to the abstract visual presentation in synchronization with the audio presentation when the audio presentation is audibly played back, with the abstract visual presentation, via a playback device associated with a viewer of the abstract visual presentation, wherein the viewer playback device is separate from the editing system;

receiving a first signal from a user input device to designate a cue at a first location with respect to the audio waveform; and

storing the designated cue in computer readable memory.

49. An apparatus for providing an audio presentation, the apparatus comprising:

a processor;

tangible computer-readable medium having processor-executable instructions stored thereon that, if executed by processor, cause the processor to perform operations comprising:

receiving over a data network digital samples of recorded audio;

providing for display on a user editing system an interactive user interface, the interactive user interface including:

an audio waveform corresponding to the digital samples of recorded audio over time, wherein the audio waveform is displayed in

conjunction with a time axis, including textual displays of time values at a plurality of points along the time axis;

a cue insertion interface that enables a user to insert a cue at one or more locations with respect to the audio waveform,

wherein the cue is configured to cause a modification with respect to the abstract visual presentation in synchronization with the audio presentation when the audio presentation is audibly played back, with the abstract visual presentation, via a playback device associated with a viewer of the abstract visual presentation, wherein the viewer playback device is separate from the editing system;

receiving a first signal from a user input device to designate a cue at a first location with respect to the audio waveform; and

storing the designated cue in computer readable memory.

For at least the foregoing reasons, Applicant respectfully traverses the rejection of Claims 44 and 49, and the claims that depend therefrom.

Discussion of Dependent Claims 24, 46, and 51

Claims 24, 46, and 51 are patentably distinct for at least the reasons discussed above with respect to their respective independent claims. Further, as discussed in the interview, Kerr discloses monitoring the status of a computer to determine how to light the computer at a given point in time. In particular, Kerr, col. 7, lines 14-25, refers to Fig. 3, and recites:

> *After block 44, the process proceeds to block 46 where illumination characteristics are determined. Illumination characteristics generally refer to how a housing associated with the computer is illuminated to produce an ornamental appearance. The illumination characteristics are generally based on the status information and predetermined configuration information. In one embodiment, the predetermined configuration information identifies a type and nature of the illumination (e.g., which lights are operated, how long the light sources are operated, what color the light source output, etc.) that is to be provided for a specific status information. By way of example, a blinking red coloration may be identified when a program status such as an error is monitored.*

Figure 3, block 44, of Kerry recites "Obtain status information from monitoring." Figure 3, block 46, of Kerr recites: "Determine illumination characteristics based on the status information and predetermined configuration information". Kerr, at col. 7, lines 20-25 discloses determining how a computer housing is to be illuminated. Thus, Kerr discloses determine how a computer housing should be illuminated (e.g., with a blinking

red color) based on the status of the computer (e.g., an error is monitored) and predetermined configuration information.

However, Kerr does not disclose or suggest "automatically inserting at least one cue with respect to the audio based at least in part on a signal received from an automated lighting system used to light a live performance to thereby modify the abstract visual presentation when the audio presentation is later audibly played back via the playback device," as recited by Claim 24, and as similarly recited by Claims 46 and 51.

For at least the foregoing reasons, Applicant respectfully traverses the rejection of Claims 24, 46 and 51, and the claims that depend therefrom.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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